

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Engelhardt et al.

Serial No.: 10/718,391

Group Art Unit: 1634

Filed: November 19, 2003

Examiner: Salmon, K.

For: **PROCESS FOR SELECTIVE EXPRESSION OF NUCLEIC ACID  
PRODUCTS**

Confirmation No.: 9721

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references listed below are also listed in Form PTO SB08a (in accordance with the requirements of MPEP 609). The references, which have not been made of record in the instant application, are US patent documents, foreign patent documents and non-patent literature made of record in the parent cases 08/182,621; 09/302,817; and 10/260/031, and

in other related cases 09/302,816; 09/302,818; 09/727,349; 09/302,816; 10/717,140; 10/713,183; 11/809,443; and 11/809,452. The non-patent literature not previously submitted and made of record in a parent case, and additional references previously submitted and made of record in related cases but not in a parent case are submitted herewith. The non-patent literature includes Office Actions issued in related cases. For Examiner's reference, this application is a continuation of application serial no. 10/260,031, filed June 6, 2003; which is a continuation of application serial no. 09/302,817, (abandoned); February 3, 1998; which is a division of 08/182,621.

#### **US Patents**

4843003	1989-06-27	Henikoff
4851331	1989-07-25	Vary
5169766	1992-12-08	Schuster
5550035	1996-08-27	Moss
5591601	1997-01-07	Wagner
5994056	1999-11-30	Higuchi

#### **Non-patent documents**

Pat. Ser. No. 10717140 (Attny. Dkt. No. Enz-52(C)(D3)) Final Rejection 2008-05-23  
 Pat. Ser. No. 10713183 (Attny. Dkt. No. Enz-52(C3)) Non-final Rejection 2008-07-24  
 Pat. Ser. No. 10713183 (Attny. Dkt. No. Enz-52(D2)(C)(D1)) Non-final Rejection 2009-04-01  
 Pat. Ser. No. 10717140 (Attny. Dkt. No. Enz-82(C)(D3)) Non-final Rejection 2009-08-19  
 Pat. Ser. No. 11809443 (Attny. Dkt. No. Enz-52(C3)) Non-final Rejection 2009-09-02  
 Pat. Ser. No. 11809452 (Attny. Dkt. No. Enz-52(C4)) Non-final Rejection 2009-09-02  
 Pat. Ser. No. 10713183 (Attny. Dkt. No. Enz-52(D2)(C)(D1)) Final Rejection 2009-12-24  
 Pat. Ser. No. 11809452 (Attny. Dkt. No. Enz-52(C4)) Final Rejection 2010-05-27  
 Pat. Ser. No. 11809443 (Attny. Dkt. No. Enz-52(C3)) Final Rejection 2010-06-22  
 COCHRAN et al. "Eukaryotic transient expression system dependent on transcription factors and regulatory DNA sequences of vaccinia virus" Proc. Natl. Acad. Sci. USA 82: 19-23. 1985  
 DAUBE et al. "Functional transcription elongation complexes from synthetic RNA-DNA bubble duplexes" Science 258: 1320. 1992

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GAO et al. "Direct in vivo gene transfer to airway epithelium employing adenovirus-polylysine-DNA complexes" Human Gene Therapy 4: 17-24. 1993

JORGENSEN et al. "Specific contacts between the bacteriophage T3, T7, and SP6 RNA polymerases and their promoters." J. Biol. Chem 266: 645-651. 1991

KRIEG et al. "Functional mRNAs are produced by Sp6 in vitro transcription of cloned cDNAs." Nucleic Acids Res. 12: 7057-7070. 1984.

KWOH et al. "Transcription-based amplification system and detection of amplified human immunodeficiency virus type 1 with a bead-based sandwich hybridization format" PNAS 86: 1173-1177. 1989

LOPATA et al. "RNA polymerase specificity of mRNA production and enhancer action" Proc. Natl. Acad. Sci. USA 83: 6677-6681. 1986.

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PINE "Constitutive expression of an ISGF2/IRF1 transgene leads to interferon-independent activation of interferon-inducible genes and resistance to virus infection" J. Virol. 66: 4470-4478. 1992

WALKER et al. "Strand displacement amplification – an isothermal, in vitro DNA amplification technique." Nucleic Acids Res. 20: 1691-1696. 1992

WU et al. "Receptor-mediated Gene Delivery" J. Biol. Chem. 263: 14621-14624. 1988

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed  
☒ after submitting the RCE but before any subsequent Office Action  
☐ before the mailing date of a first Office Action on the merits  
☐ after the mailing date of a first Office Action on the merits. Please charge the fee of \$180 to deposit account no. 05-1135.

Respectfully submitted,

Date: August 8, 2010

/Cheryl H Agris/  
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